IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1716 OF 2006
IN
SUIT NO.2435 OF 2006

Dr.Bharat Patel ....Plaintiff
V/s.
M/s.ABN Amro Bank N.V. & Ors. ....Defendants

Mr.S.C. Naidu i/b M/s.C.R. Naidu & Co. for the Plaintiff.

Ms.Reena Patel on behalf of the Plaintiff present.

Mr.Farhan Dubash with Mr.David Arif i/b M/s.Res Legal for Defendant Nos.1 to 3.

Mr.Vikas Kohli for Defendant No.2 present.

CORAM : S.J. VAZIFDAR, J.
DATED : 10TH OCTOBER, 2007.

P.C. :

1. The Notice of Motion is disposed of by consent by the following order :-

i). The Plaintiff shall deposit with Defendant No.1 a sum of Rs.12,00,000/- without prejudice to the rights and contentions of the Plaintiff. Defendant No.1 is at liberty to accept the same without prejudice to its rights and contentions.

ii). Mr.Dubash undertakes on behalf of Defendant no.1 to bring back the said amount of Rs..12,00,000/- or any part thereof as may be directed by this Court together with interest as may be determined by this Court. In that event, Defendant No.1 agrees not to force the Plaintiff to execute the decree, if any. Needless to add that this order is without prejudice to the first Defendant's right to challenge the order, if any.

iii). Upon the amount of Rs.12,00,000/- being deposited by the Plaintiff with Defendant No.1, the first Defendant shall hand over vacant possession of the suit flat to the Plaintiff.

iv). The first Defendant shall pay by cheque to the Plaintiff an amount of Rs.17,625.03 being arrears of the electricity charges. The said amount is also without prejudice to the rights and contentions of the first Defendant.